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Alex L. Yip
Laye Scholer LLP
425 Park Avenue
New York, NY 10022

EXAMINER

NASH, LASHANYA RENEE

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,030

Applicant(s)

LJUBICICH ET AL.

Examiner

LaShanya R. Nash

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This action is in response to an Amendment filed May 31, 2005. Claims 1-85 are presented for further consideration.

Response to Arguments

Applicant's arguments with respect to claims 1-13, 14-24, 42-54, and 55-65 have been considered but are moot in view of the new grounds of rejection with newly found prior art Woods et al., as set forth below in the office action.

Applicant's arguments with respect to claims 25-33, and 66-74 have been considered but are moot in view of the new grounds of rejection with newly applied interpretation of prior art Gallagher et al., as set forth below in the office action.

Applicant's arguments with respect to claims 34-41 and 75--85 have been fully considered but they are not persuasive.

In considering the Applicant's arguments the following factual remarks are noted:

(I) Applicant contends that Gallagher does not meet the term message, which is generated based on a selected one of the search results already provided to the user device.

In considering (I), Applicant contends that Gallagher does not meet the term "message", which is generated based on a selected one of the search results

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already provided to the user device. Examiner respectfully disagrees. Gallagher expressly discloses that a web alert URL is transmitted to the requesting user upon completion on the search. Therefore, in the broadest reasonable interpretation of the claim language, the disclosed web alert URL is consistent with the term "search result" that is already provided to the user of the wireless device, (paragraph [0030], lines 1-6). Subsequently, as asserted by the Applicant, a message requesting a server to push the determined search results is generated. Gallagher further expressly discloses that the aforementioned message is based on the user selected search result (i.e. web alert URL is selected by the user of the wireless device; paragraph [0030], lines 7-10 and paragraph [0031]) in order to further retrieve search results associated with that particular URL. As a result, the examiner asserts that Gallagher discloses *inter alia*: accessing one or more search results responsive to the request, which are provided through a second medium; and generating a message based on a selected one of the search results (as set forth below in the office action).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 34-41 and 75-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallagher et al. (US Patent Application 2002/0095293), hereinafter referred to as Gallagher.

In reference to claim 34, Gallagher discloses a method for initiation of a wireless application protocol (WAP) session via speech recognition (abstract). Gallagher explicitly discloses:

- A method for use in a communications apparatus (i.e. wireless device) capable of communications in a plurality of media (i.e. voice and data), (paragraph [0006], line 1 to paragraph [0013], line 2 and paragraph [0024], lines –13), the method comprising:
- Transmitting a request for a search for information (i.e. information for which a user is searching/search criteria) through a first medium (i.e. voice session), (paragraph [0027], lines 1-3);

- Accessing one or more search results (i.e. web alert URL) responsive to the request which are provided through a second medium (i.e. data session), (paragraph [0028], lines 1-14);
- Generating a message based on a selected one of the search results (i.e. the selected web alert URL), (paragraph [0030], lines 1-10); and
- Transmitting the message to a system which provides a service (i.e. searched Internet content, paragraph [0039], lines 1-8) based on content of the message, (i.e. search results associated with the web alert URL; paragraph [0036], lines 1-5).

In reference to claim 75, Gallagher discloses a system employed for initiation of a wireless application protocol (WAP) session via speech recognition (abstract and Figure 1). Gallagher explicitly discloses:

- An apparatus (i.e. wireless device, Figure 1-item 1) capable of communications in a plurality of media, the apparatus comprising:
- A first interface (Figure 1-item 1) for transmitting a request for information through a first medium (i.e. voice session), (paragraph [0025], lines 7-11 and paragraph [0027], lines 1-3);
- A second interface (i.e. WML WAP browser, Figure 1-item1) for accessing one or more search results (i.e. web alert URL) responsive to the request through a second medium (i.e. data session), (paragraph [0025], lines 7-11 and [0028], lines 7-14);

- A processor (i.e. PDA, mobile wireless telephone, paragraph [0002], lines 1-6) for generating a message (i.e. selecting web alert URL) based on a selected one of the search results (i.e. the selected web alert URL), (paragraph [0030], lines 1-10); and
- A transmitter (i.e. establish wireless communication link, paragraph [0020], lines 1-2) for transmitting the message to a system which provides a service (i.e. searched Internet content, paragraph [0039], lines 1-8) based on content of the message, (i.e. search results associated with the web alert URL; paragraph [0036], lines 1-5).

In reference to claims 35 and 76, Gallagher shows the method and system wherein the information includes a telephone number desired by the user, (i.e. directory service, paragraph [0039], lines 1-8).

In reference to claims 36 and 77, Gallagher shows the method and system wherein the information includes an address, (i.e. address book services paragraph [0039], lines 1-8).

In reference to claims 37 and 78, Gallagher shows the method wherein the information concerns an event (i.e. news, sports and information services paragraph [0039], lines 1-8).

In reference to claims 38 and 79, Gallagher shows the method and system wherein the service includes making reservation for the user, (i.e. electronic commerce services, paragraph [0039], lines 1-8).

In reference to claims 39 and 80, Gallagher shows the method and system wherein the service includes providing travel directions to the user, (i.e. traffic services, paragraph [0039], lines 1-8).

In reference to claims 40 and 81, Gallagher shows the method wherein the first medium includes a voice medium (paragraph [0027], lines 1-3).

In reference to claims 41 and 82, Gallagher shows the method and system wherein the second medium includes a data medium, (paragraph [0028], lines 7-9).

In reference to claim 83, Gallagher shows the apparatus wherein the first interface includes telephone circuitry (i.e. digital mobile wireless telephone, paragraph [0002], lines 1-6).

In reference to claim 84, Gallagher shows the apparatus wherein the second interface includes a modem facility (i.e. wireless Internet connection, paragraph [0025], lines 1-11).

In reference to claim 85, Gallagher shows the apparatus comprising a WAP enabled mobile device, (paragraph [0025], lines 7-11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 and 42-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al. (US Patent Application 2002/0095293) and Srinivasan et al. (US Patent Application 2002/0022488) and further in view of Woods et al. (US Patent 6,510,417), hereinafter referred to as Gallagher and Srinivasan, and Woods respectively.

In reference to claim 1, Gallagher discloses a method for initiation of a wireless application protocol (WAP) session via speech recognition (abstract). Gallagher explicitly discloses:

- A method for providing an information service (i.e. searched internet content, paragraph [0039], lines 1-8) to a user, (paragraph [0006], line 1 to paragraph [0013], line 2 and paragraph [0024], lines 13), comprising:

- Receiving from the user a first communication through a first medium, the first communication including a first request (i.e. voice session, paragraph [0027], line 1-3);
- Organizing the information at a data location, (i.e. S-WAP website/web alert URL, paragraph [0039], lines 1-10 and paragraph [0003], lines 5-7); and
- Allowing access by the user to the data location (i.e. S-WAP website/web alert URL, paragraph [0039], lines 1-10 and paragraph [0003], lines 5-7) to obtain therefrom at least part of the information through a second medium (i.e. data session), (paragraph [0028], lines 7-14 and paragraph [0036], lines 1-5).

However, the reference does not disclose searching a database for information responsive to the request; storing the first information in a file associated with the user, the file being accessible at a predetermined location; receiving from the user a second communication through the first medium after a termination of the first communication, the second communication including a second request; retrieving the file associated with the user; incorporating, into the file, second information resulting from a search in response to the second request; and allowing access by the user to the file at the predetermined location to obtain therefrom at least part of the first and second information. Nonetheless, this would have been an obvious modification to the method disclosed by Gallagher to one of ordinary skill in the art at the time of the invention, as further evidenced by Srinivasan.

In an analogous art, Srinivasan discloses a method for transferring information to a wireless communication device employing wireless application protocol, (abstract and paragraph [0042], lines 21-27). Srinivasan further discloses the method comprises searching a database for information responsive to the user request generated from a wireless communication device, (paragraph [0042], line 1 to paragraph [0044], line 14). Srinivasan also discloses: storing the first information in a file associated with the user (i.e. in data storage; paragraph [0042]; Figure 2-item 46); receiving from the user a second communication through the first medium after a termination of the first communication, the second communication including a second request; retrieving the file associated with the user (i.e. historical data about past user selections); incorporating, into the file, second information resulting from a search in response to the second request (i.e. inference; paragraphs [0052]-[0083]). This modification to the aforementioned method disclosed by Gallagher would have been obvious, because one would have been so motivated to support a method for "providing a wireless communications device user with information targeted to the preferences of the user" and thereby providing more pertinent information to users, (Srinivasan paragraph [0010], lines 8-10). However, the references fail to expressly disclose: the file being accessible at a predetermined location; and allowing access by the user to the file at the predetermined location to obtain therefrom at least part of the first and second information. Nonetheless, this would have been an obvious modification to the method as disclosed by Gallagher and Srinivasan for one of ordinary skill in the art at the time of invention, as further evidenced by Woods.

In an analogous art, Woods discloses a method for voice access to Internet-based information and services, (abstract). Wood further discloses the method comprises: the file being accessible at a predetermined location (i.e. predetermined website/MyYahoo); and allowing access by the user to the file at the predetermined location to obtain therefrom at least part of the first and second information, (column 10). One of ordinary skill in the art would have been so motivated to accordingly modify the aforementioned method as disclosed by Gallagher and so as to tracking a user's previously accessed services, and subsequently provide simple, quick, and improved voice recognition services (Woods column 8, line 45 to column 9, line 12).

In reference to claim 42, Gallagher discloses a system employed for initiation of a wireless application protocol (WAP) session via speech recognition (abstract and Figure 1). Gallagher explicitly discloses:

- A system (Figure 1) for providing an information service (i.e. searched internet content, paragraph [0039], lines 1-8) to a user; (paragraph [0017], line 1 to paragraph [0020], line 10 and paragraph [0024], lines –13) comprising:
- A interface (i.e. wireless device, Figure 1-item 1) for receiving from the user a first communication through a first medium (i.e. voice session), the first communication including a first request (paragraph [0025], lines 7-1 and paragraph [0027], lines 1-3);

- A device (i.e. S-WAP server with voice recognition application, Figure 1-item 7) for searching for information responsive to the request, (paragraph [0027], lines 1-15); and
- A processor (i.e. S-WAP server, Figure 1-item 7), thereby allowing access by the user to the data location (i.e. S-WAP website/web alert URL, paragraph [0039], lines 1-10 and paragraph [0003], lines 5-7) to obtain therefrom at least part of the information through a second medium (i.e. data session), (paragraph [0028], lines 7-14 and paragraph [0036], lines 1-5).

However, the reference does not disclose device for searching a database for information responsive to the request; storage for storing the first information in a file associated with the user, the file being accessible at a predetermined location, a second communication being received from the user through the first medium after a termination of the first communication, the second communication including a second request; the file associated with the user being retrieved; a processor for incorporating, into the file, second information resulting from a search in response to the second request. Nonetheless, this would have been an obvious modification to the system disclosed by Gallagher to one of ordinary skill in the art at the time of the invention, as further evidenced by Srinivasan.

In an analogous art, Srinivasan discloses a system for transferring information to a wireless communication device employing wireless application protocol, (abstract and paragraph [0042], lines 21-27). Srinivasan further discloses employing the apparatus for

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searching a database for information responsive to the user request generated from a wireless communication device, (paragraph [0042], line 1 to paragraph [0044], line 14).

Srinivasan also discloses: storage for storing the first information in a file associated with the user (i.e. in data storage; paragraph [0042]; Figure 2-item 46), a second communication being received from the user through the first medium after a termination of the first communication, the second communication including a second request; the file associated with the user being retrieved (i.e. historical data about past user selections); a processor (i.e. information originating entity; paragraphs [0042]-[0044]; Figure 2-item 32) for incorporating, into the file, second information resulting from a search in response to the second request (i.e. inference; paragraphs [0052]-[0083]). This modification to the aforementioned system disclosed by Gallagher would have been obvious, because one would have been so motivated to support a system for "providing a wireless communications device user with information targeted to the preferences of the user" and thereby providing more pertinent information to users, (Srinivasan paragraph [0010], lines 8-10). However, the references fail to expressly disclose: the file being accessible at a predetermined location; and allowing access by the user to the file at the predetermined location to obtain therefrom at least part of the first and second information. Nonetheless, this would have been an obvious modification to the system as disclosed by Gallagher and Srinivasan for one of ordinary skill in the art at the time of invention, as further evidenced by Woods.

In an analogous art, Woods discloses a method for voice access to Internet-based information and services, (abstract). Wood further discloses the method

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comprises: the file being accessible at a predetermined location (i.e. predetermined website/MyYahoo); and allowing access by the user to the file at the predetermined location to obtain therefrom at least part of the first and second information, (column 10). One of ordinary skill in the art would have been so motivated to accordingly modify the aforementioned method as disclosed by Gallagher and so as to tracking a user's previously accessed services, and subsequently provide simple, quick, and improved voice recognition services (Woods column 8, line 45 to column 9, line 12).

In reference to claims 2 and 43, Gallagher shows the method and system wherein the first medium includes a voice medium, (paragraph [0027], lines 1-3).

In reference to claims 3 and 44, Gallagher shows the method and system wherein the second medium includes a data medium, (paragraph [0028], lines 7-9).

In reference to claims 4 and 45, Gallagher shows the method and system wherein the data location is identified by a uniform resource locator (URL), (paragraph [0030], lines 4-10).

In reference to claims 5 and 46, Gallagher shows the method and system wherein the data location includes a WAP site, (paragraph [0003], lines 5-7).

In reference to claims 6 and 47, Gallagher shows the method and system wherein the information includes a telephone number desired by the user, (i.e. directory service, paragraph [0039], lines 1-8).

In reference to claims 7 and 48, Gallagher shows the method wherein the information concerns an event (i.e. news, sports and information services paragraph [0039], lines 1-8).

In reference to claims 8 and 49, Gallagher shows the method and system wherein the information includes an address, (i.e. address book services paragraph [0039], lines 1-8).

In reference to claims 9 and 50, Srinivasan shows the method and system wherein the information is organized according to a preference of the user, (paragraph [0042], lines 8-13).

In reference to claims 10 and 51, Gallagher shows the method and system wherein the at least part of the information is obtained as a result of a search by the user, (paragraph [0027], lines 3-11).

In reference to claims 11 and 52, Gallagher shows the method and system wherein the search is based on a location, (paragraph [0039], lines 3-8 and paragraph [0038], lines 1-14).

In reference to claims 12 and 53, Gallagher shows the method and system wherein the search is based on a keyword, (paragraph [0039], lines 3-8 and paragraph [0038], lines 1-14).

In reference to claims 13 and 54, Gallagher shows the method and system wherein the search is based on a date, (paragraph [0039], lines 3-8 and paragraph [0038], lines 1-14).

Claims 14-24 and 55-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al. (US Patent Application 2002/0095293) and Woods et al. (US Patent 6,510,417), hereinafter referred to as Gallagher and Woods respectively.

In reference to claim 14, Gallagher discloses a method for initiation of a wireless application protocol (WAP) session via speech recognition (abstract). Gallagher explicitly discloses:

- A method for providing a service (i.e. searched internet content, paragraph [0039], lines 1-8) to a user of a communications device (i.e. wireless

device), (paragraph [0006], line 1 to paragraph [0013], line 2 and paragraph [0024], lines –13), the method comprising:

- Receiving a request through a first medium (i.e. voice session) afforded by the communications device, (paragraph [0027], line 1-3);
- Obtaining information responsive to the request, (paragraph [0027], lines 3-15);
- Providing the user with access to the information, (paragraph [0028], lines 7-14);
- Receiving a message (i.e. via selecting web alert URL) generated by the communications device based on at least part of the information, the message being received through a second medium (i.e. data session) afforded by the communications device, (paragraph [0030], lines 1-10); and
- Providing the service (i.e. searched Internet content, paragraph [0039], lines 1-8) based on content of the received message, (paragraph [0036], lines 1–5).

However, Gallagher fails to disclose the method comprising: maintaining a file associated with the user, the file including at least one user preference; retrieving the file associated with the user; presenting to the user, the information in an organization according to the at least one user preference in the file. Nonetheless, these limitations regarding user preferences were well known in the art at the time of invention, as further

evidenced by Woods. Therefore, it would have been obvious to one of ordinary skill in the art to accordingly modify the aforementioned method, as disclosed by Gallagher.

In an analogous art, Woods discloses a method for voice access to Internet-based information and services, (abstract). Wood further discloses the method comprises: maintaining a file associated with the user (i.e. customer management system coordinates information related to the user; Figure 2-item 130), the file including at least one user preference; retrieving the file associated with the user; presenting to the user, the information in an organization according to the at least one user preference in the file, (columns 8-10). One of ordinary skill in the art would have been so motivated to accordingly modify the aforementioned method as disclosed by Gallagher so as to tracking a user's previously accessed services, and subsequently provide simple, quick, and improved voice recognition services (Woods column 8, line 45 to column 9, line 12).

In reference to claim 55, Gallagher discloses a system employed for initiation of a wireless application protocol (WAP) session via speech recognition (abstract and Figure 1). Gallagher explicitly discloses:

- A system (Figure 1) for providing a service to a user of a communications apparatus (i.e. wireless device), (paragraph [0017], line 1 to paragraph [0020], line 10 and paragraph [0024], lines –13) comprising:
- An interface (i.e. wireless device, Figure 1-item 1) for receiving, from the user, a request through a first medium (i.e. voice session) afforded by the

communications device, (paragraph [0025], lines 7-1 and paragraph [0027], lines 1-3);

- A device (i.e. S-WAP server with voice recognition application, Figure 1-item 7) for obtaining information responsive to the request, the user being provided with access to the information, (paragraph [0027], lines 1-15); and
- A server (i.e. S-WAP server, Figure 1-item 7) for receiving a message (i.e. via selecting web alert URL, paragraph [0030], lines 1-10) generated by the communications apparatus based on at least part of the information, the message being received through a second medium (i.e. data session) afforded by the communications apparatus, the service (i.e. searched Internet content, paragraph [0036], lines 1-6 and paragraph [0039], lines 1-8) being provided based on content of the received message, (paragraph [0026], lines 1-6 and paragraph [0028], lines 7-14).

However, Gallagher fails to disclose the system comprising: storage for maintaining a file associated with the user, the file including at least one user preference; an interface for receiving the file associated with the being retrieved; and a mechanism for presenting, to the user, the information in an organization according to the at least one user preference in the file. Nonetheless, these limitations regarding user preferences were well known in the art at the time of invention, as further evidenced by Woods. Therefore, it would have been obvious for one of ordinary skill in the art to accordingly modify the aforementioned system, as disclosed by Gallagher.

In an analogous art, Woods discloses a system for voice access to Internet-based information and services, (abstract). Wood further discloses the system comprises: storage (i.e. database; Figure 2-item 170) for maintaining a file associated with the user, (i.e. customer management system coordinates information related to the user), the file including at least one user preference; an interface (i.e. user interface; Figure 2-item 110) for receiving the file associated with the being retrieved; a mechanism (i.e. customer management subsystem; Figure 2-item 130) for presenting, to the user, the information in an organization according to the at least one user preference in the file, (columns 8-10). One of ordinary skill in the art would have been so motivated to accordingly modify the aforementioned method as disclosed by Gallagher so as to tracking a user's previously accessed services, and subsequently provide simple, quick, and improved voice recognition services (Woods column 8, line 45 to column 9, line 12).

In reference to claims 15 and 56, Gallagher shows the method and system wherein the information includes a telephone number desired by the user, (i.e. directory service, paragraph [0039], lines 1-8).

In reference to claims 16 and 57, Gallagher shows the method and system wherein the information includes an address, (i.e. address book services paragraph [0039], lines 1-8).

In reference to claims 17 and 58, Gallagher shows the method wherein the information concerns an event (i.e. news, sports and information services paragraph [0039], lines 1-8).

In reference to claims 18 and 59, Gallagher shows the method and system wherein the service includes making reservation for the user, (i.e. electronic commerce services, paragraph [0039], lines 1-8).

In reference to claims 19 and 60, Gallagher shows the method and system wherein the service includes providing travel directions to the user, (i.e. traffic services, paragraph [0039], lines 1-8).

In reference to claims 20 and 61, Gallagher shows the method wherein the first medium includes a voice medium (paragraph [0027], lines 1-3).

In reference to claims 21 and 62, Gallagher shows the method and system wherein the second medium includes a data medium, (paragraph [0028], lines 7-9).

In reference to claims 22 and 63, Gallagher shows the method and system wherein the information is accessible at a data location, (paragraph [0030], lines 1-10).

In reference to claims 23 and 64, Gallagher shows the method and system wherein the data location is identified by a uniform resource locator (URL), (paragraph [0030], lines 4-10).

In reference to claims 24 and 65, Gallagher shows the method and system wherein the data location includes a WAP site, (paragraph [0030], lines 1-10 and paragraph [0003], lines 5-7).

Claims 25-28, 30, 66-69, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al. (US Patent Application 2002/0095293 and Srinivasan et al. (US Patent Application 2002/0022488), hereinafter referred to as Gallagher and Srinivasan respectively.

In reference to claim 25, Gallagher discloses a method for initiation of a wireless application protocol (WAP) session via speech recognition (abstract). Gallagher explicitly discloses:

- A method for providing a service (i.e. searched internet content, paragraph [0039], lines 1-8) to a user of a communications device (i.e. wireless device), comprising:
- Receiving a request from the communications device for information (paragraph [0027], lines 1-3), the information including a desired telephone number (i.e. directory service, paragraph [0039], lines 1-8);

- Connecting the communications device to a station (i.e. connecting to S-WAP server via PSTN; Figure 1-item 7) associated with the desired telephone number through a voice connection, (paragraph [0027], lines 3-15);
- Identifying a status condition of the voice connection, (i.e. search results, paragraph [0028], lines 1-7); and
- Providing data through a data connection to the communications device in response to the status condition, (paragraph [0028], lines 7-14).

However, the reference does not disclose searching a database for information responsive to the request. Nonetheless, this would have been an obvious modification to the method disclosed by Gallagher to one of ordinary skill in the art at the time of the invention, as further evidenced by Srinivasan.

In an analogous art, Srinivasan discloses a method for transferring information to a wireless communication device employing wireless application protocol, (abstract and paragraph [0042], lines 21-27). Srinivasan further discloses the method comprises searching a database for information responsive to the user request generated from a wireless communication device, (paragraph [0042], line 1 to paragraph [0044], line 14).

This modification to the aforementioned method disclosed by Gallagher would have been obvious, because one would have been so motivated to support a method for "providing a wireless communications device user with information targeted to the preferences of the user" and thereby providing more pertinent information to users, (Srinivasan paragraph [0010], lines 8-10).

In reference to claim 66, Gallagher discloses a system employed for initiation of a wireless application protocol (WAP) session via speech recognition (abstract and Figure

1). Gallagher explicitly discloses:

- A system (Figure 1) for providing a service (i.e. searched internet content, paragraph [0039], lines 1-8) to a user of a communications apparatus (i.e. wireless application), (paragraph [0017], line 1 to paragraph [0020], line 10 and paragraph [0024], lines –13) comprising:
- An interface (i.e. wireless device, Figure 1-item 1) for receiving a request from the communications device, (paragraph [0027], lines 1-3);
- A device for searching for information responsive to the request, (i.e. S-WAP server with voice recognition application, Figure 1-item 7, paragraph [0027], lines 1-15) the information including a desired telephone number, (i.e. directory service, paragraph [0039], lines 1-8); a switch (i.e. PSTN, Figure 1-item 9, paragraph [0025], lines 1-5) for connecting the communications device to a station (i.e. connecting to S-WAP server via PSTN; Figure 1-item 7) associated with the desired telephone number through a voice connection, (paragraph [0027], lines 3-15);
- A processor (i.e. S-WAP server, Figure 1-item 7) for identifying a status condition of the voice connection, (i.e. search results, paragraph [0028], lines 1-7); and

- A server (i.e. S-WAP server, Figure 1-item 7) for providing data through a data connection to the communications device in response to the status condition, (paragraph [0028], lines 7-14 and paragraph [0036], lines 1-5).

However, the reference does not disclose device for searching a database for information responsive to the request. Nonetheless, this would have been an obvious modification to the method disclosed by Gallagher to one of ordinary skill in the art at the time of the invention, as further evidenced by Srinivasan.

In an analogous art, Srinivasan discloses an apparatus for transferring information to a wireless communication device employing wireless application protocol, (abstract and paragraph [0042], lines 21-27). Srinivasan further discloses employing the apparatus for searching a database for information responsive to the user request generated from a wireless communication device, (paragraph [0042], line 1 to paragraph [0044], line 14). This modification to the aforementioned system disclosed by Gallagher would have been obvious, because one would have been so motivated to support a system for "providing a wireless communications device user with information targeted to the preferences of the user" and thereby providing more pertinent information to users, (Srinivasan paragraph [0010], lines 8-10).

In reference to claims 26 and 67, Gallagher shows the method and system wherein the data indicates the status condition, (paragraph [0027], line 13 to paragraph [0028], line 7).

In reference to claims 27 and 68, Gallagher shows the method and system wherein the data concerns at least one service option (i.e. searched Internet content), (paragraph [0028], lines 7-14 and paragraph [0039], lines 1-8).

In reference to claims 28 and 69, Gallagher shows the method and system wherein the at least one service option includes an option to obtain the desired telephone number (i.e. directory service paragraph [0039], lines 1-8).

In reference to claims 30 and 71, Gallagher shows the method and system wherein the at least one service option includes an option to leave a message for delivery to a party associated with the desired telephone number (i.e. unified messaging service paragraph [0039], lines 1-8).

Claims 29, 31-33, 70, and 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher and Srinivasan as applied to claims 25 and 66, and further in view of Dunn et al. (US Patent 6,138,008) hereinafter referred to as Dunn.

In reference to claims 29 and 70, although Gallagher and Srinivasan disclose substantial features of the invention, the references fail to disclose the method and system wherein the at least one service option includes an option to connect the user to an operator of the service. However this would have been an obvious modification to

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the invention as disclosed by Gallagher and Srinivasan, to one of ordinary skill in the art as further evidenced by Dunn.

In an analogous art, Dunn discloses a method a system for providing the user of a wireless communication various alternatives if a telephone call is not complete, (abstract). Dunn further discloses the user having the option of connecting to an operator, (column 17, lines 1-9). This modification to the aforementioned invention as disclosed by Gallagher and Srinivasan would have been obvious, because one would have been motivated to support a method and system for obtaining directory assistance upon an unsuccessful call attempt, thereby increasing system ease of use, (Dunn column 2, lines 5-18).

In reference to claims 32 and 73, although Gallagher and Srinivasan disclose substantial features of the invention, the references fail to disclose the method and system wherein the voice connection includes a telephone connection, and the status condition includes a ring-no-answer condition. However this would have been an obvious modification to the invention as disclosed by Gallagher and Srinivasan, to one of ordinary skill in the art as further evidenced by Dunn.

In an analogous art, Dunn discloses a method a system for providing the user of a wireless communication various alternatives if a telephone call is not complete, (abstract). Dunn further discloses the user having a calling option when the telephone connection has status condition includes a ring-no-answer condition, (abstract). This modification to the aforementioned invention as disclosed by Gallagher and Srinivasan

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would have been obvious, because one would have been motivated to support a method and system for obtaining directory assistance upon an unsuccessful call attempt, thereby increasing system ease of use, (Dunn column 2, lines 5-18).

In reference to claims 33 and 74, although Gallagher and Srinivasan disclose substantial features of the invention, the references fail to disclose the method and system wherein the voice connection includes a telephone connection, and the status condition includes a busy condition. However this would have been an obvious modification to the invention as disclosed by Gallagher and Srinivasan, to one of ordinary skill in the art as further evidenced by Dunn.

In an analogous art, Dunn discloses a method a system for providing the user of a wireless communication various alternatives if a telephone call is not complete, (abstract). Dunn further discloses the user having a calling option when the telephone connection has status condition includes a busy condition, (abstract). This modification to the aforementioned invention as disclosed by Gallagher and Srinivasan would have been obvious, because one would have been motivated to support a method and system for obtaining directory assistance upon an unsuccessful call attempt, thereby increasing system ease of use, (Dunn column 2, lines 5-18).

In reference to claims 31 and 72, although Gallagher and Srinivasan disclose substantial features of the invention, the references fail to disclose the method and

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system wherein the voice connection includes a telephone connection, and the status condition includes a communication failure. However this would have been an obvious modification to the invention as disclosed by Gallagher and Srinivasan, to one of ordinary skill in the art as further evidenced by Dunn.

In an analogous art, Dunn discloses a method a system for providing the user of a wireless communication various alternatives if a telephone call is not complete, (abstract). Dunn further discloses the user having a calling option when the telephone connection has status condition includes a communication failure, (abstract). This modification to the aforementioned invention as disclosed by Gallagher and Srinivasan would have been obvious, because one would have been motivated to support a method and system for obtaining directory assistance upon an unsuccessful call attempt, thereby increasing system ease of use, (Dunn column 2, lines 5-18).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

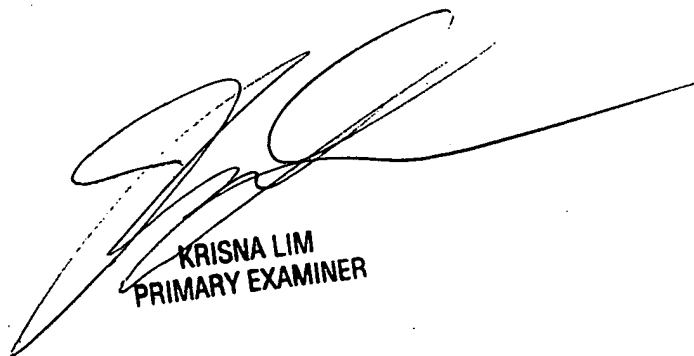
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash
Art Unit, 2153
August 12, 2005

LN



KRISNA LIM
PRIMARY EXAMINER